

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

08/927,939 09/11/97 GRAINGER D 295.022US1

HM22/0522

SCHWEGMAN LUNDBERG WOESSNER AND KLUTH
P O BOX 2938
MINNEAPOLIS MN 55402

EXAMINER

MERTZ, P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1646

18

DATE MAILED:

05/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| | | | |

| EXAMINER | |
|----------|--------------|
| | |
| ART UNIT | PAPER NUMBER |

18

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

is extended to run 6 months from the date of the Final Rejection

continues to run _____ from the date of the Final Rejection

expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 5-15-00, has been considered with the following affect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- They raise new issues that would require further consideration and/or search. (See Note).
- They raise the issue of new matter. (See Note).
- They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The new limitation in amended claim 1 has not been searched before

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. Upon the filing of an appeal, the proposed amendment will be will not be, entered and the status of the claims in this application would be as follows:

Allowed claims: _____

Claims objected to: _____

Claims rejected: 1, 3-4, 6-11, 42-43

However:

- The rejection of claims _____ on references is deemed to be overcome by applicant's response.
- The rejection of claims _____ on non-reference grounds only is deemed to be overcome by applicant's response.

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection.

5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

The proposed drawing correction has has not been approved by the examiner. *The 102(b) rejection over*

Other claims 3-4 & 6-7 have not been obviated by the amendment.

Claim 6 is now broader than claim 1 & does not further limit claim 1. The 35 USC 112 1st para rejections over broad claim 6, 8, 11 are maintained.

Prema Mertz
PREMA MERTZ
PRIMARY EXAMINER